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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,369	12/04/2003	Wade C. Patterson	8223	6976
22922	7590	11/09/2005	EXAMINER	
REINHART BOERNER VAN DEUREN S.C. ATTN: LINDA KASULKE, DOCKET COORDINATOR 1000 NORTH WATER STREET SUITE 2100 MILWAUKEE, WI 53202			TSIDULKO, MARK	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No.	Applicant(s)	
	10/727,369	PATTERSON, WADE C.	
	Examiner	Art Unit	
	Mark Tsidulko	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5,6,14,16,17,19,22,23 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,5,6,14,16,17,19,22 and 23 is/are allowed.
- 6) ☒ Claim(s) 29-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>021805</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The submission of amendment filed on 10/19/2005 is acknowledged. At this point claims 2, 5, 6, 14, 16, 17, 19, 22 and 23 have been amended, claims 1, 3, 4, 7-13, 15, 18, 20, 21, 24-28 have been canceled, new claims 29-38 have been added and the remaining claims left unchanged. Thus, claims 2, 5, 6, 14, 16, 17, 19, 22, 23, 29-38 are at issue in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan (US 2,200,079) in view of Schindler et al. (US 6,805,458).

Referring to Claim 29 Duncan discloses (Figs.2, 4) a drinking fountain for dispensing water from an opening [14].

Duncan discloses the instant claimed invention except for a light source attached to the drinking fountain.

Schindler et al. disclose a liquid dispensing system having a light source for illuminating the device.

Referring to Claims 30-32 Duncan discloses the instant claimed invention except for a light source located in close proximity with the liquid outlet.

Schindler et al. disclose a liquid dispensing system having a light source located in close proximity with the liquid outlet.

It is understood, that a light source can be attached to any desired place of the fountain, but taking into consideration the structure of the fountain of Duncan (see Fig.2), the shield [15] is a most convenient place for attachment the light source in close proximity with the liquid outlet [18].

Referring to Claim 33 Duncan discloses the instant claimed invention except for a LED.

Schindler et al. disclose (Fig.1) a liquid dispensing system having a LED [42].

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the drinking fountain of Duncan, having a light source, as taught by Schindler et al., for the purpose of illumination of the device.

Claims 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan (US 2,200,079) in view of Schindler et al. (US 6,805,458) and Cretu-Petra (US RE37,888).

Referring to Claim 34 Duncan discloses (Figs.2, 4) a drinking fountain for dispensing water from an opening [14].

Duncan discloses the instant claimed invention except for a light source, a sensor and a control logic coupled to the sensor.

Cretu-Petra discloses (Abstract) a sensor provided signal activated water flow depends on the distance of the object from the proximity sensor and logic (microcomputer) used the information from an infrared sensor (col.5, lines 14-20) for the liquid dispensing (Abstract).

It is understood that the sensor, as a switch, can be used for activation any desired function, including activation the light source.

Referring to Claim 35 Duncan discloses the instant claimed invention except for a LED.

Schindler et al. disclose (Fig.1) a liquid dispensing system having a LED [42].

Referring to Claims 36, 37 Duncan discloses the instant claimed invention except for that a light source is attached to the shield.

It is understood, that a light source can be attached to any desired place of the fountain, but taking into consideration the structure of the fountain of Duncan (see Fig.2), the shield [15], which is vertically above the outlet of the fountain, is a most convenient place for attachment the light source in close proximity with the liquid outlet [18].

Referring to Claim 38 Duncan discloses the instant claimed invention except for a sensor activated water flow.

Cretu-Petra discloses (Abstract) a sensor activated water flow.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the logic of Cretu-Petra for the device of Duncan and Schindler et al. in order to activate the light source for illuminating.

Allowable Subject Matter

Claims 2, 5, 6, 14, 16, 17, 19, 22, 23 are allowed.

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The following is an examiner's statement of reasons for allowance:

Referring to Claims 5, 16, 22 the prior art of record fails to show a liquid dispensing device having bubbler and a light source attached to the bubbler.

Claims 2 and 6 are allowed as claim depended on claim 5.

Claims 14 and 17 are allowed as claim depended on claim 16.

Claims 19 and 23 are allowed as claim depended on claim 22.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
November 1, 2005



**JOHN ANTHONY WARD
PRIMARY EXAMINER**